

**UNITED STATES BANKRUPTCY COURT FOR THE
DISTRICT OF NEBRASKA**

In re:)	
)	
DALE GENE SHOEMAKER,)	Case No. BK17-40608
)	
)	
Debtors.)	
)	
_____)	
)	
DANIEL J. CASAMATTA,)	
ACTING UNITED STATES TRUSTEE,)	
)	
Plaintiff,)	
)	
v.)	Adversary No. _____
)	
DALE GENE SHOEMAKER,)	
)	
Defendant)	

COMPLAINT TO REVOKE DISCHARGE

Plaintiff Daniel J. Casamatta, Acting United States Trustee for the District of Nebraska
("Plaintiff" or "United States Trustee"), by and through counsel, states and alleges:

Jurisdiction and Venue

1. This is an adversary proceeding in which Plaintiff is seeking to revoke the discharge granted to Dale Gene Shoemaker ("Debtor" or "Defendant") in case number 17-40608, in the United States Bankruptcy Court for the District of Nebraska. The Court has jurisdiction of this adversary proceeding pursuant to 28 U.S.C. Section 1334(b) and 11 U.S.C. Section 727(d). This

is a core proceeding under 28 U.S.C. Section 157(b)(2)(J). Venue is proper pursuant to 28 U.S.C. Section 1409(a).

2. This Complaint was timely filed pursuant to 11 U.S.C. Section 727(e).

Parties

3. Plaintiff is the duly appointed Acting United States Trustee for the District of Nebraska pursuant to 28 U.S.C. Section 586(a). Plaintiff has standing and files this complaint in his official capacity pursuant to 11 U.S.C. Sections 307 & 727(e).

4. Defendant is the debtor in Case No. 17-40608 under Chapter 7 of the Bankruptcy Code filed in this Court ("the Bankruptcy Case").

5. John A. Wolf is the duly appointed Chapter 7 trustee ("Trustee") in the Bankruptcy Case.

Procedural History

6. The Defendant filed a Chapter 7 petition on April 22, 2017.

7. Chapter 7 Panel Trustee, John A. Wolf conducted the Chapter 7 first meeting of the creditors pursuant to 11 U.S.C. Section 341 on June 14, 2017.

8. The Defendant was granted a discharge on August 18, 2017.

General Allegations Common to All Counts

9. On April 22, 2017, Defendant filed a Voluntary Petition, Schedules of Assets and Liabilities and a Statement of Financial Affairs. Defendant signed a Declaration, dated April 22, 2017, declaring under penalty of perjury that the information provided in the petition, schedules, and statements was true and correct.

10. The Defendant verified the accuracy of the Petition, Schedules and Statement of Financial Affairs at the meeting of creditors held on June 14, 2017.

13. The Defendant failed to list on his schedules of assets that he owned a 2012 AMHL Utility Trailer; a 2015 Polaris ATV; firearms and other related sporting equipment.

14. The Defendant was granted a discharge under chapter 7 on August 13, 2017.

15. Defendant, with intent to hinder, delay, or defraud a creditor or an officer of the estate, concealed property of the Debtor by failing to list on his schedules that owned a 2012 AMHL Utility Trailer; a 2015 Polaris ATV; firearms and other related sporting equipment.

16. Defendant knowingly and fraudulently, in or in connection with the case, made a false oath when he failed to disclose in his schedules that owned a 2012 AMHL Utility Trailer; a 2015 Polaris ATV; firearms and other related sporting equipment.

17. Defendant knowingly and fraudulently made a false oath when he testified at his section 341 meeting of creditors that his schedules were accurate.

18. Defendant's discharge was obtained through the fraud of the Debtor, and the United States Trustee did not know of such fraud until after the granting of such discharge.

WHEREFORE, Plaintiff respectfully requests an order revoking and denying the discharge of the Defendant pursuant to 11 U.S.C. Section 727(d)(1), and for such further relief

as may be just and proper.

Dated: January 24, 2018.

Respectfully submitted,

DANIEL J. CASAMATTA
ACTING UNITED STATES TRUSTEE

By: /s/ Jerry L. Jensen
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